

Message Text

CONFIDENTIAL

PAGE 01 USUN N 02657 01 OF 04 250008Z
ACTION IO-14

INFO OCT-01 ISO-00 EA-10 CPR-02 L-03 PA-01 SS-15 SP-02
HA-05 CIAE-00 INR-10 NSAE-00 JUSE-00 DODE-00
NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 MCT-01 H-01
A-01 OPR-02 SY-05 USSS-00 FBIE-00 (ISO) W
-----058757 272314Z /70

O 242332Z JUN 78 ZFF-4
FM USMISSION USUN NEW YORK
TO AMEMBASSY MANILA NIACT IMMEDIATE
SECSTATE WASHDC IMMEDIATE 2254

C O N F I D E N T I A L SECTION 01 OF 04 USUN NEW YORK 02657

E.O. 11652: GDS
TAGS: SHUM, PDIP, RP
SUBJECT: INCIDENT AT PHILIPPINE CENTER, NEW YORK CITY

REF: USUN 2640

HEREWITH FOLLOWS LETTER AND REPORT RECEIVED THIS DATE FROM
POLICE COMMISSIONER OF CITY OF NEW YORK CONCERNING INCI-
DENT AT PHILIPPINE CENTER JUNE 11, 1978.

1. A THIRD PERSON NOTE FROM USUN WITH COPY POLICE REPORT
WILL BE DELIVERED MONDAY 26 JUNE OPENING OF BUSINESS TO
PHILIPPINE MISSION AS REQUESTED BY COUNSELOR VALDERRAMA
OF PHILIPPINE MISSION NEW YORK. AMB. YANGO IS OUT OF
TOWN AND ACCORDING TO VALDERAMMA WILL NOT BE ABLE TO FOCUS
ON THIS MATTER UNTIL 26 JUNE.

2. BEGIN LETTER: I TRANSMIT TO YOU HERewith THE FORMAL
REPORT OF THIS DEPARTMENT ON THE INCIDENT AT 556 FIFTH
AVENUE ON JUNE 11, 1978. THE POLICE COMMISSIONER HAS
ASKED ME TO EXPRESS TO YOU HIS DESIRE TO HAVE THE USUN
CONTINUE ITS EFFORTS TO PURSUADE THE PHILIPPINE GOVERNMENT
TO ALLOW US ACCESS TO WITNESSES IN ITS CONTROL. YOURS
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 02657 01 OF 04 250008Z

TRULY, KENNETH CONBOY, DEPUTY COMMISSIONER, LEGAL MATTERS.
END LETTER.

3. BEGIN TEXT OF REPORT: MEMORANDUM TO HONORABLE F.
GLENNON, COUNSELOR, USUN, INVESTIGATION OF THE COMPLAINT
OF THE CONSUL GENERAL OF THE PHILIPPINES, REGARDING AN
INCIDENT AT 556 FIFTH AVENUE. THIS REPORT IS BASED UPON

THE EXHAUSTIVE EFFORTS OF FIVE SEPARATE UNITS OF THE NEW YORK CITY POLICE DEPARTMENT TO OBTAIN A THOROUGHLY OBJECTIVE AND COMPLETE ACCOUNT OF THE INCIDENT IN QUESTION. NOT HAVING HAD ACCESS TO WITNESSES IN CONTROL OF THE PHILIPPINE GOVERNMENT, THIS REPORT IS REGRETTABLY INCOMPLETE. AT APPROXIMATELY 12:30 A.M. ON SUNDAY, JUNE 11, 1978, POLICE OFFICERS FRANCIS MCLAUGHLIN AND FRANK FATTIZZI, ASSIGNED TO THE NEIGHBORHOOD STABILIZATION UNIT OF THE MIDTOWN NORTH PRECINCT, WERE AT THE CORNER OF 45TH STREET AND FIFTH AVENUE GIVING DIRECTIONS TO TWO CIVILIANS. THEY OBSERVED A TAXI PULL UP TO THE FRONT OF 556 FIFTH AVENUE, AND FOUR PERSONS, DRESSED IN LIGHT COLORED CLOTHING, GOT OUT OF THE CAB AND ENTERED THAT PREMISES. INSPECTION OF THE FRONT OF THE BUILDING 556 FIFTH AVENUE DISCLOSES NO DISTINCTIVE MARKINGS WHICH INDICATE THAT THE PREMISES HOUSE EITHER THE PHILIPPINE MISSION TO THE UNITED NATIONS OR THE CONSULATE GENERAL OF THE PHILIPPINES. THERE IS A SIGN APPROXIMATELY TWENTY FEET ABOVE THE SIDEWALK WHICH MERELY READS "PHILIPPINES". A SMALL SIGN ABOVE A CENTER REVOLVING DOOR IN EMBOSSED METAL 3" LETTERING STATES "PHILIPPINES CENTER". A GLASS HINGED DOOR TO THE LEFT OF THE REVOLVING DOOR BEARS A SIGN IDENTIFYING THE MAHARLIKA RESTAURANT AND INDICATING PHILIPPINE FOOD AND ENTERTAINMENT SERVED THEREIN, AND ALSO ADVISING OF THE TYPE CREDIT CARDS ACCEPTED, INCLUDING MASTER CHARGE, VISA, DINERS

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 02657 01 OF 04 250008Z

CLUB AND SEVERAL OTHERS. ANOTHER DOOR TO THE RIGHT OF THE REVOLVING DOOR COMPLETES THE ENTRANCE DOORS AVAILABLE. THE RIGHT DOOR CONTAINS A SIGN ADVISING VISITORS TO USE THE REVOLVING DOOR. ON THE WALL PERPENDICULAR TO THIS GLASS DOOR IS A COAT OF ARMS ABOUT 18" BY 18" WITH 2" LETTERING "REPUBLIC OF PHILIPPINES". UNDER THIS IS A PLAQUE CONTAINING BUILDING DEDICATION INFORMATION. NONE OF THE SIGNS DESCRIBED ARE ILLUMINATED AT NIGHT. TO THE IMMEDIATE RIGHT OF THESE ENTRANCE DOORS ARE LARGE DISPLAY WINDOWS WHICH ALLOW VISIBILITY INTO THE PHILIPPINE CULTURAL CENTER FROM THE STREET AND THE LETTERS "PUBLIC WELCOME" ARE STENCILED ON ONE OF THESE WINDOWS. IN THE IMMEDIATE VICINITY OF THE PREMISES IN QUESTION THERE ARE NUMEROUS LOCATIONS ON FIFTH AVENUE BEARING NAMES OF SOVEREIGN NATIONS WHICH ARE NOT DIPLOMATIC INSTALLATIONS INCLUDING, BUT NOT LIMITED TO, YUGOSLAV AIR LINES, AIR LINGIS AND AEROFLOT. THE PHILIPPINE MISSION TO THE UNITED NATIONS AND THE CONSULATE GENERAL OF THE PHILIPPINE ARE IN FACT, HOUSED ON THE FOURTH AND THIRD FLOORS OF THE PREMISES IN QUESTION. A SHORT TIME AFTER OFFICERS MCLAUGHLIN AND FATTIZZI OBSERVED THE FOUR MALES ENTER 556 FIFTH AVENUE, THE FOUR MALES CAME OUT OF

THE PREMISES ACTUALLY FIGHTING WITH FOUR OTHER MALES. THE OFFICERS, SEEING THE FIGHT, WENT TO THE FRONT OF THE BUILDING. TWO OF THE GROUP FLED SOUTH ON FIFTH AVENUE. OFFICER FATTIZZI TRIED TO BREAK UP THE FIGHT WHEN TWO OF THE MALES STARTED FIGHTING WITH HIM. OFFICER MCLAUGHLIN TRANSMITTED A SIGNAL FOR ASSISTANCE ON HIS WALKIE TALKIE AS HE WAS GRAPPLING WITH THREE OTHER MALES. A FOURTH MALE WAS STANDING NEAR THE RESTAURANT ENTRANCE DOOR WITH A GUN IN HIS HAND. HE WAS SEEN TO PLACE THE GUN IN HIS WAISTBAND AND RUN INSIDE THE BUILDING WITH THREE OF THE MALES. POLICE OFFICER KARL LIVIGNI,

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USUN N 02657 02 OF 04 250010Z
ACTION IO-14

INFO OCT-01 ISO-00 EA-10 CPR-02 L-03 PA-01 SS-15 SP-02
HA-05 CIAE-00 INR-10 NSAE-00 JUSE-00 DODE-00
NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 MCT-01 H-01
A-01 OPR-02 SY-05 USSS-00 FBIE-00 (ISO) W
-----058785 272316Z /70

O 242332Z JUN 78 ZFF-4
FM USMISSION USUN NEW YORK
TO AMEMBASSY MANILA NIACT IMMEDIATE
SECSTATE WASHDC IMMEDIATE 2255

C O N F I D E N T I A L SECTION 02 OF 04 USUN NEW YORK 02657

OF THE MIDTOWN SOUTH PRECINCT, WAS AT THAT TIME ASSIGNED TO A FIXED POST IN FRONT OF 545 FIFTH AVENUE, AEROFLOT AIRLINES:

OFFICER LIVIGNI OBSERVED TWO POLICE OFFICERS ON THE NORTH WEST CORNER OF FIFTH AVENUE AND 45TH STREET RUNNING TOWARD A GROUP OF MALES FIGHTING ON THE WEST SIDEWALK BETWEEN 45TH AND 46TH STREETS. OFFICER LIVIGNI LEFT HIS POST AND WENT TO ASSIST THEM. AS HE APPROACHED, TWO MALES RAN PAST HIM SOUTHBOUND ON FIFTH AVENUE. HE MADE NO EFFORT TO APPREHEND THEM AS THEY WERE FLEEING. WHEN HE REACHED THE GROUP FIGHTING, ONE MAN TRIED TO ASSAULT HIM AND HE QUICKLY KNOCKED HIM TO THE GROUND. AT THIS POINT HE OBSERVED OFFICER FATTIZZI STRUGGLING WITH TWO OTHER MALES. OFFICERS MCLAUGHLIN AND LIVIGNI HELPED OFFICER FATTIZZI SUBDUE THESE TWO MALES WHO WERE ARRESTED ON THE STREET AND HANDCUFFED. OFFICER MCLAUGHLIN SHOUTED "THERE'S A MAN WITH A GUN, HE RAN INSIDE WITH

THREE OTHERS". OFFICERS LIVIGNI AND MCLAUGHLIN FOLLOWED THEM INTO THE BUILDING THROUGH THE RESTAURANT DOOR AND DOWNSTAIRS INTO THE RESTAURANT WHICH WAS LOCATED BELOW THE STREET LEVEL. BOTH OFFICERS DREW THEIR SERVICE REVOLVERS BECAUSE THEY BELIEVED ONE OF THE MEN WAS CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 02657 02 OF 04 250010Z

ARMED. THEY SAW SEVEN MALES, ONE OF WHOM WAS A BARTENDER, AND TWO BLONDE HEADED WOMEN. THEY SEARCHED THE RESTAURANT AREA FOR THE MALES WHO HAD FLED INTO THE BUILDING FROM THE STREET.

OFFICER MCLAUGHLIN STARTED TO QUESTION THE BARTENDER WHEN HE SAW TWO MALES WHOM HE RECOGNIZED FROM THE GROUP OUTSIDE COMING DOWN A BACK STAIRS AT THE REAR OF THE RESTAURANT. OFFICER MCLAUGHLIN AT THIS POINT, HAD HIS GUN HOLSTERED AND A NIGHT STICK IN HIS RIGHT HAND. ONE MALE ASSUMED A KARATE STANCE AND KICKED THE HAND HOLDING THE NIGHT STICK CAUSING INJURY. THE NIGHT STICK FELL TO THE FLOOR. OFFICER MCLAUGHLIN PUSHED ONE MALE OVER THE BANISTER AND CHASED THE OTHER MALE UP THE BACK STAIRS INTO A NARROW CORRIDOR, 75 FEET IN LENGTH, ON THE STREET LEVEL, BETWEEN A BANK OF ELEVATORS AND THE CULTURAL CENTER, WHICH AREA WAS VISIBLE THROUGH THE GLASS DOOR FROM THE STREET.

THE MALE THAT OFFICER MCLAUGHLIN WAS PURSUING SEIZED A CONSOLE TELEPHONE FROM THE TOP OF A DESK AT THE ENTRANCE OF THE CULTURAL CENTER AND THREW IT AT OFFICER MCLAUGHLIN STRICKING HIM IN THE FACE AND BREAKING A TOOTH. ANOTHER MALE APPEARED AND GRABBED THE OFFICER AROUND THE NECK.

OFFICER LIVIGNI, WHO HAD FOLLOWED OFFICER MCLAUGHLIN UP THE BACK RESTAURANT STAIRS AND INTO THE CORRIDOR, ASSISTED HIM IN SUBDUING ONE OF THESE MALES.

MEANWHILE, POLICE OFFICERS HUGH FLANNAGAN AND JAMES MCCARTHY, OF THE MIDTOWN NORTH PRECINCT, ASSIGNED TO PATROL CAR DUTY IN THE VICINITY, HAD RECEIVED OFFICER CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 02657 02 OF 04 250010Z

MCLAUGHLIN'S DISTRESS SIGNAL.

WHEN THESE OFFICERS ARRIVED, TWO OTHER PATROL CARS WERE ALREADY ON THE SCENE. THEY OBSERVED OFFICER FATTIZZI

HOLDING TWO PRISONERS ON THE SIDEWALK JUST SOUTH OF THE ENTRANCE TO THE PREMISES. OFFICER FATTIZZI STATED THAT HIS PARTNER AND ANOTHER OFFICER HAD PURSUED FOUR MALES INTO THE BUILDING. WHEN OFFICER FLANNAGAN TRIED THE DOOR TO THE RESTAURANT, HE DISCOVERED THAT IT HAD BEEN LOCKED FROM THE INSIDE. HE THEN TRIED THE REVOLVING DOOR LEADING TO THE FOYER OF THE CULTURAL CENTER. WHILE THIS DOOR WAS ALSO SECURE IT MOVED SLIGHTLY WHEN PULLED. LOOKING THROUGH THE GLASS DOOR, OFFICER FLANNAGAN SAW OFFICER MCLAUGHLIN FIGHTING WITH TWO MEN. WITH THE ASSISTANCE OF OTHER OFFICERS, OFFICER FLANNAGAN PULLED THE DOOR OUTWARD UNTIL IT SPRANG OPEN. THE OFFICERS RUSHED IN AND HELPED SUBDUE ONE OF THE MEN. THE OTHER HAD APPARENTLY GONE DOWNSTAIRS. OFFICER MCLAUGHLIN THEN PROCEEDED BACK DOWNSTAIRS TO THE RESTAURANT AND IN THE KITCHEN IDENTIFIED THE MALE WHO HAD FOUGHT WITH HIM ON THE STAIRS.

HE THEN ARRESTED AND HANDCUFFED THIS INDIVIDUAL, IDENTIFIED AS MODESTO CABUAY, 34 YEARS OLD, OF 49 WEST 44TH STREET. THE INDIVIDUAL ARRESTED IN THE LOBBY OF THE CULTURAL CENTER IS IDENTIFIED AS LEO DACALANIO, AGE 26, WHO GAVE HIS ADDRESS AS 556 FIFTH AVENUE. THE INDIVIDUALS ARRESTED IN THE STREET ARE IDENTIFIED AS AGOSTO DEGUZMAN, 27 YEARS OLD, OF 645 EAST 14TH STREET AND VICTOR SANTOS, AGE 36, OF 4550 NORTH CLARENDON ROAD, CHICAGO, ILLINOIS.

SERGEANT JOHN SULLIVAN OF THE MIDTOWN SOUTH PRECINCT, SUBSEQUENTLY PROMOTED TO LIEUTENANT, WAS AT THE TIME OF

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USUN N 02657 03 OF 04 250012Z
ACTION IO-14

INFO OCT-01 ISO-00 EA-10 CPR-02 L-03 PA-01 SS-15 SP-02
HA-05 CIAE-00 INR-10 NSAE-00 JUSE-00 DODE-00
NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 MCT-01 H-01
A-01 OPR-02 SY-05 USSS-00 FBIE-00 (ISO) W
-----058802 272317Z /70

O 242332Z JUN 78 ZFF-4
FM USMISSION USUN NEW YORK
TO AMEMBASSY MANILA NIACT IMMEDIATE
SECSTATE WASHDC IMMEDIATE 2256

C O N F I D E N T I A L SECTION 03 OF 04 USUN NEW YORK 02657

THE INCIDENT ON PRECINCT PATROL IN A SQUAD CAR WITH TWO GERMAN POLICE OFFICERS RIDING AS OBSERVERS. AT APPROXIMATELY 12:30 A.M. HE RECEIVED A PORTABLE TRANSMISSION OF A DISTRESS SIGNAL AND RESPONDED TO 556 FIFTH AVENUE. WHEN HE ARRIVED, SEVERAL OTHER PATROL CARS WERE IN FRONT OF THE BUILDING.

SERGEANT SULLIVAN ENTERED THE PREMISES THROUGH THE RESTAURANT DOOR WHICH HAD BEEN UNLOCKED AT THIS POINT. TWO PHILIPPINE MALES DIRECTED HIM DOWNSTAIRS TO THE RESTAURANT. HE ENCOUNTERED OFFICER LIVIGNI, AND SEVERAL OTHER OFFICERS HE DIDN'T RECOGNIZE ASCENDING THE STAIRS WITH A PRISONER. A MALE IN A WHITE SUIT APPROACHED SERGEANT SULLIVAN AND IDENTIFIED HIMSELF AS THE MANAGER OF THE RESTAURANT. HE COMPLAINED ABOUT THE OFFICERS HAVING THEIR GUNS OUT AND FELT THAT THEY SHOULD HAVE SHOWN MORE COURTESY. SERGEANT SULLIVAN DID NOT SEE ANY POLICE OFFICERS WITH THEIR WEAPONS UNHOLSTERED. HE EXPLAINED TO THE MANAGER THE CIRCUMSTANCE OF THE ASSAULT UPON THE OFFICERS ON THE STREET AND THE FACT THAT THE SUSPECTS FLED INTO THE BUILDING TO SEEK REFUGE. SERGEANT SULLIVAN GAVE THE MANAGER HIS NAME AND SHIELD NUMBER AND THEY PARTED SHAKING HANDS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 02657 03 OF 04 250012Z

THIS INDIVIDUAL IN THE WHITE SUIT WHO DESCRIBED HIMSELF SOLELY AS THE MANAGER OF THE RESTAURANT, HAS BEEN IDENTIFIED AS THE VICE CONSUL OF THE CONSULATE GENERAL OF THE PHILIPPINES, WENCESLAW QUIROLGICO. HE HAS ALSO BEEN IDENTIFIED AS ONE OF THE MALES OBSERVED EARLIER IN THE RESTAURANT IN THE GROUP OF SEVEN MALES AND TWO FEMALES REFERRED TO ABOVE. AT THE TIME OF HIS CONVERSATION WITH SERGEANT SULLIVAN, THE INDIVIDUAL IN THE WHITE SUIT DID NOT ASSERT THAT ANY OF THOSE ARRESTED POSSESSED DIPLOMATIC IMMUNITY.

SERGEANT JOHN MOCIO WAS ASSIGNED TO DESK DUTY AT THE MIDTOWN NORTH PRECINCT ON THE NIGHT OF THE INCIDENT. AT ABOUT 0:00 A.M. OFFICERS MCLAUGHLIN AND FATTIZZI BROUGHT FOUR PRISONERS FROM 556 FIFTH AVENUE INTO THE STATION HOUSE. ONE PRISONER, SANTOS, WAS STRIP SEARCHED UNDER STANDARD PROCEDURES OF THE DEPARTMENT. AT THIS TIME, ONE OF THE OTHER PRISONERS CLAIMED DIPLOMATIC IMMUNITY. THE SEARCHING WAS DISCONTINUED AND ALL PRISONERS WERE PLACED IN THE HOLDING PEN PENDING VERIFICATION OF THEIR CLAIM OF IMMUNITY. SHORTLY THEREAFTER, SERGEANT MOCIO RECEIVED A TELEPHONE CALL FROM A PERSON WHO CLAIMED TO BE THE PHILIPPINE VICE CONSUL. SERGEANT MOCIO DOES NOT RECALL IF THIS INDIVIDUAL GAVE HIS NAME. THE VICE

CONSUL WAS IRATE AND DEMANDED THE IMMEDIATE RELEASE OF THE FOUR, CLAIMING THAT THEY HAD DIPLOMATIC IMMUNITY AND THAT THE OFFICERS HAD NO LEGAL JUSTIFICATION TO ENTER THE PREMISES. SERGEANT MOCIO CALLED HEADQUARTERS OPERATIONS AND THE INTELLIGENCE DIVISION TO ASCERTAIN IF EITHER COULD VERIFY WHETHER THE FOUR ACTUALLY HAD DIPLOMATIC IMMUNITY. WHEN THEY REPORTED THAT THEY HAD NO RECORD, HE CALLED THE U.S. MISSION FOR CONFIRMATION. CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USUN N 02657 03 OF 04 250012Z

THE WATCH OFFICER, MR. COLGAN REPORTED NO RECORD OF THE FOUR BUT INDICATED THAT THE PREMISES WAS LISTED AS HOUSING THE PHILIPPINE MISSION AND CONSULATE GENERAL. HAVING BEEN ADVISED BY THE U.S. MISSION THAT IT HAD NO RECORD OF IMMUNITY FOR ANY OF THE PRISONERS, THE THREE REMAINING PRISONERS WERE STRIP SEARCHED.

SERGEANT MOCIO THEN TELEPHONED SERGEANT FRED REISERT OF THE LEGAL DIVISION, WHO ADVISED THAT EVEN THOUGH THE UNITED STATES MISSION HAD NO RECORD OF IMMUNITY FOR THE INDIVIDUALS ARRESTED, SINCE THE VICE CONSUL HAD REPRESENTED VIGOROUSLY THAT ALL FOUR INDIVIDUALS DID HAVE IMMUNITY, THAT THEY SHOULD BE RELEASED WITHOUT CHARGES PENDING CLARIFICATION OF THEIR STATUS AND THE MOVEMENTS OF THE OFFICERS WITHIN THE PREMISES, WITH RESPECT TO WHETHER THEY HAD GONE INTO THE SPECIFIC SECTIONS OF THE BUILDING CONTAINING THE MISSION OR CONSULATE OFFICES. SERGEANT REISERT POINTED OUT THAT THE PRISONERS COULD BE RE-ARRESTED IF IT WAS LATER DETERMINED THAT THE IMMUNITY CLAIM WAS FALSE AND THAT THE OFFICERS HAD NOT INTRUDED UPON THE SPECIFIC MISSION OR CONSULATE AREAS ABOVE THE FIRST FLOOR OF THE PREMISES. ACCORDINGLY, THE PRISONERS WERE IMMEDIATELY RELEASED, WITHOUT BEING CHARGED.

OFFICER MCLAUGHLIN WAS TREATED AT ST. CLAIR'S HOSPITAL BY DR. CAERON FOR CONTUSION OF THE NECK AND ABRASIONS OF THE WRIST.

NO WEAPON WAS FOUND AT THE SCENE. NO INTRUSION WAS MADE IN TO ANY DESK, DRAWER FILE CABINET OR CONTAINER OF ANY TYPE BY ANY POLICE OFFICER AT ANY TIME DURING THIS INCIDENT. AT NO TIME DID ANY POLICE OFFICER ASCEND ABOVE THE REAR AREA OF THE CULTURAL CENTER, LOOKING FOR

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USUN N 02657 04 OF 04 250027Z
ACTION IO-14

INFO OCT-01 ISO-00 EA-10 CPR-02 L-03 PA-01 SS-15 SP-02
HA-05 CIAE-00 INR-10 NSAE-00 JUSE-00 DODE-00
NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 MCT-01 H-01
A-01 OPR-02 SY-05 USSS-00 FBIE-00 (ISO) W
-----058805 272318Z /70

O 252332Z JUN 78 ZFF-4
FM USMISSION USUN NEW YORK
TO AMEMBASSY MANILA NIACT IMMEDIATE
SECSTATE WASHDC IMMEDIATE 2257

C O N F I D E N T I A L SECTION 04 OF 04 USUN NEW YORK 02657

THE TWO ADDITIONAL MALES WHO WERE KNOWN TO HAVE FLED INTO
THE PREMISES.

NO POLICE OFFICER PISTOL WHIPPED ANYONE DURING THIS
INCIDENT. NOR DID ANY POLICE OFFICER INSULT OR VERBALLY
ABUSE THE PRESIDENT OR THE GOVERNMENT OF THE PHILIPPINES.
NOR DID ANY POLICE OFFICER EXERT ANY MORE THAN ABSOLUTELY
MINIMAL FORCE ESSENTIAL TO SUBDUE THOSE ARRESTED.

AT 9:45 A.M. ON THE SAME DAY OF THE INCIDENT, SERGEANT
WILLIAM MALONEY AND POLICE OFFICER WILMOTT MITCHELL OF
THE INTELLIGENCE DIVISION WENT TO 556 FIFTH AVENUE TO
INTERVIEW VICE CONSUL QUIROLGICO, TO
ESTABLISH A COMPLETE AND ACCURATE RECORD OF THE INCIDENT.
THEY WERE INFORMED BY MR. NIEVA, ADMINISTRATIVE ASSISTANT,
THAT THE VICE CONSUL WOULD BE AVAILABLE IN ONE HOUR. WHEN
THE OFFICERS RETURNED, THEY WERE ADVISED THAT MR.
QUIROLGICO WOULD NOT BE AVAILABLE. MR. NIEVA WOULD NOT
DISCUSS THE INCIDENT.

IN AN EFFORT TO OBTAIN A BALANCED AND FAIR ACCOUNT OF
THE INCIDENT, REPEATED EFFORTS HAVE BEEN MADE TO OBTAIN
STATEMENTS FROM PERSONS ASSOCIATED WITH THE PREMISES WHO
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 02657 04 OF 04 250027Z

WERE WITNESSES TO THE EVENT.THESE EFFORTS HAVE BEEN
UNAVAILING.

IN A PERSONAL MEETING ON JUNE 23, 1978 WITH HIS
EXCELLENCY ALEJANDRO D. YANGO, AMBASSADOR OF THE
PHILIPPINES TO THE UNITED NATIONS, THE POLICE COMMISSIONER
WAS ADVISED THAT THE PHILIPPINE GOVERNMENT HAD FORMALLY

REJECTED A REQUEST MADE BY THE DEPARTMENT OF STATE THAT THE NEW YORK POLICE HAVE ACCESS TO THESE WITNESSES.

THE UNITED STATES AMBASSADOR TO THE PHILIPPINES WAS ADVISED IN MANILA ON JUNE 22, 1978 THAT ONE OF THE PERSONS WHO WITNESSED THE INCIDENT HAD ADMITTED IN A DEPOSITION THAT THE AFFAIR HAD BEGUN AS A RESULT OF A STREET FIGHT OUTSIDE THE PREMISES, THUS CORROBORATING THE STATEMENTS OF POLICE. THIS CRITICAL FACT IS CONSPICUOUSLY ABSENT FROM THE ACCOUNT OF THE INCIDENT CONTAINED IN THE FORMAL PROTEST FILED WITH THE UNITED STATES GOVERNMENT AND SENT TO THE MAYOR BY THE CONSUL GENERAL OF THE PHILIPPINES, ERNESTO C. PINEDA.

ONE OF THOSE PERSONS ARRESTED AND RELEASED HAS ADVISED THE POLICE THAT THE NIGHT IN QUESTION HE AND THREE FRIENDS MADE RESERVATIONS AT THE MAHARLIKE RESTAURANT, AND PROCEEDED THERE BY TAXI. SHORTLY AFTER ENTERING THE RESTAURANT, ONE OF THEIR PARTY WAS SLAPPED AND INSULTED BY PERSONS INSIDE THE RESTAURANT. A DISORDER BROKE OUT, AND IT ERUPTED INTO THE STREET IN FRONT OF THE RESTAURANT. NONE OF THE INDIVIDUALS IN THIS PARTY HAD ANY CONNECTION WITH THE PREMISES, NOR DID ANY HAVE DIPLOMATIC IMMUNITY.

ACCORDINGLY, ON THE BASIS ON THE RECORD OF THIS INVESTIGATION, WE CONCLUDE THAT THE ACTIONS OF THE POLICE OFFICERS INVOLVED AND THIS INCIDENT WERE IN ALL RESPECTS LAWFUL, APPROPRIATE AND CONSISTENT WITH THE HIGH PROFESSIONAL STANDARDS OF THE DEPARTMENT.

CONFIDENTIAL

PAGE 03 USUN N 02657 04 OF 04 250027Z

GATION, WE CONCLUDE THAT THE ACTIONS OF THE POLICE OFFICERS INVOLVED AND THIS INCIDENT WERE IN ALL RESPECTS LAWFUL, APPROPRIATE AND CONSISTENT WITH THE HIGH PROFESSIONAL STANDARDS OF THE DEPARTMENT.

THE POLICE DEPARTMENT IS PROFOUNDLY CONCERNED ABOUT ANY INCIDENT WHICH DISTURBS THE PEACE AND TRANQUILITY OF ANY FOREIGN INSTALLATION IN OUR CITY. THE DEPARTMENT HAS INTERNAL MACHINERY REGULARLY AND VIGOROUSLY UTILIZED TO DISCIPLINE OFFICERS WHO WARRANT DISCIPLINE. THE DEPARTMENT HAS NOT YET TAKEN STEPS WITH RESPECT TO ASKING THE DISTRICT ATTORNEY OF NEW YORK COUNTY TO SEEK ARREST WARRANTS FOR THE FOUR INDIVIDUALS RELEASED IN DEREFERENCE TO THE WORD OF THE PHILIPPINE VICE CONSUL.

THE DEPARTMENT ERNESTLY HOPES THAT THE GOVERNMENT OF THE PHILIPPINES WILL FIND THIS REPORT SATISFACTORY AND CONSIDER THE MATTER CLOSED, SIGNED: KENNETH CONBOY
END TEXT OF REPORT. LEONARD

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, REPORTS, CIVIL DISORDERS, POLICE FORCES, SHOW OF FORCE
Control Number: n/a
Copy: SINGLE
Draft Date: 24 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978USUNN02657
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780266-0946
Format: TEL
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780623/aaaaatln.tel
Line Count: 491
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e5321782-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 9
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 USUN NEW YORK 2640
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2217489
Secure: OPEN
Status: NATIVE
Subject: INCIDENT AT PHILIPPINE CENTER, NEW YORK CITY
TAGS: SHUM, PDIP, RP, US
To: MANILA STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e5321782-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014